

COMMITTEE ON LEGISLATIVE RESEARCH  
OVERSIGHT DIVISION

**FISCAL NOTE**

L.R. NO.: 2831-01  
BILL NO.: HB 1342  
SUBJECT: Department of Conservation; Restitution  
TYPE: Original  
DATE: February 24, 2000

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**FISCAL SUMMARY**

<b>ESTIMATED NET EFFECT ON STATE FUNDS</b>			
<b>FUND AFFECTED</b>	<b>FY 2001</b>	<b>FY 2002</b>	<b>FY 2003</b>
General Revenue Fund	\$32,500 to \$1,218,750	\$39,000 to \$1,462,500	\$39,000 to \$1,462,500
<b>Total Estimated Net Effect on <u>All</u> State Funds</b>	<b>\$32,500 to \$1,218,750</b>	<b>\$39,000 to \$1,462,500</b>	<b>\$39,000 to \$1,462,500</b>

<b>ESTIMATED NET EFFECT ON FEDERAL FUNDS</b>			
<b>FUND AFFECTED</b>	<b>FY 2001</b>	<b>FY 2002</b>	<b>FY 2003</b>
None	\$0	\$0	\$0
<b>Total Estimated Net Effect on <u>All</u> Federal Funds</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

<b>ESTIMATED NET EFFECT ON LOCAL FUNDS</b>			
<b>FUND AFFECTED</b>	<b>FY 2001</b>	<b>FY 2002</b>	<b>FY 2003</b>
<b>Local Government</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

Numbers within parentheses: ( ) indicate costs or losses.

This fiscal note contains 3 pages.

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**FISCAL ANALYSIS**

**ASSUMPTION**

Officials from the **Office of Administration - Budget and Planning** assume their agency would not be fiscally impacted by the proposed legislation. Officials do assume that there would be impact on total state revenue.

Officials from the **Office of State Courts Administrator** (CTS) assume the proposed legislation would provide for a mandatory restitution schedule for poached deer. Additionally, they assume there would be no significant change in the volume of criminal prosecutions. Officials from CTS also assume that some cases may become more protracted.

Officials from the **Department of Revenue** (DOR) assumes that the “restitution” will be treated either as a fine and collected by the court system and transmitted to the Department of Revenue or collected by the Department of Conservation and transmitted to the General Revenue Fund in the same manner that other fees are collected and transmitted pursuant to section 252.050. Therefore, there is little or no administrative impact to the DOR.

Officials from the **Department of Conservation** (MDC) assumes this proposed legislation is not clear about who will perform the scoring of antlers. If MDC is assigned this task, there would be staff time involved for this activity as well as additional staff time required for court appearances to give testimony. This proposed legislation could have some fiscal impact on MDC funds, but the amount can not be readily determined.

**Oversight** assumes that if the MDC is assigned the tasks of scoring the antlers and providing testimony, both tasks could be accomplished with existing resources.

MDC indicated that the number of convictions in FY99 for illegal taking of deer was 195. MDC did not provide information as to whether the convictions related to antlerless or antlered deer, nor could they provide information as to the score of the antlers. Oversight assumes the number of convictions (195) would remain consistent; therefore, Oversight used this figure and the restitution amounts indicated in the proposal to estimate the fiscal impact for FY's 2001 through 2003.

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<u>FISCAL IMPACT - State Government</u>	FY 2001 (10 Mo.)	FY 2002	FY 2003
<b>GENERAL REVENUE FUND</b>			
<u>Income - General Revenue Fund</u>			
Restitution Assessed	<u>\$32,500 to</u> <u>\$1,218,750</u>	<u>\$39,000 to</u> <u>\$1,462,500</u>	<u>\$39,000 to</u> <u>\$1,462,500</u>
<u>FISCAL IMPACT - Local Government</u>	FY 2001 (10 Mo.)	FY 2002	FY 2003
	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>

FISCAL IMPACT - Small Business

No direct fiscal impact to small businesses would be expected as a result of this proposal.

DESCRIPTION

In addition to the existing class A misdemeanor charge, this proposal requires anyone illegally taking or possessing deer to remit \$200 to the state general revenue fund for each antlerless deer and, for each antlered deer, an amount ranging from \$500 to \$7,500, depending on the deer's Boone & Crockett score.

This legislation is not federally mandated, would not duplicate any other program and would not require additional capital improvements or rental space.

SOURCES OF INFORMATION

Department of Conservation  
Department of Revenue  
Office of Administration  
Budget and Planning  
Office of State Courts Administrator



Jeanne Jarrett, CPA  
Director  
February 24, 2000

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